

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NEVEEN LYNNE LEYVA,

Plaintiff,

v.

JOE BIDEN, *et al.*,

Defendants.

Case No. 2:25-cv-00272-JAD-NJK

**REPORT AND RECOMMENDATION**

District courts have the authority to dismiss cases *sua sponte* without notice when the plaintiff “cannot possibly win relief.” *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988). A complaint should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be given leave to amend with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). “When a case may be classified as frivolous or malicious, there is, by definition, no merit to the underlying action and so no reason to grant leave to amend.” *Lopez v. Smith*, 203 F.3d 1122, 1127 n.8 (9th Cir. 2000) (en banc).

1 Plaintiff alleges that she was killed for having green eyes, that her legs were broken by  
2 Steve Jobs' family in the White House, that a big head was added to her by Kim Kardashian and  
3 Angelina Jolie, and that she has been controlled and hacked by the FBI since 2019. Docket No.  
4 1-1 at 3. Plaintiff also raises numerous other allegations concerning Joe Biden, Barack Obama,  
5 Selena Gomez, Justin Bieber, and Taylor Swift. *Id.* Based on these allegations, Plaintiff seeks  
6 \$1,000,000,000, "to stop being compelled to speak," and for her "movement to stop being  
7 controlled." *Id.* at 4. In light of the delusional factual scenario and nonexistent legal interest at  
8 issue, Plaintiff's complaint is appropriately dismissed.

9 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** with  
10 prejudice.

11 Dated: February 24, 2025

12   
13 Nancy J. Koppe  
14 United States Magistrate Judge

15 **NOTICE**

16 This report and recommendation is submitted to the United States District Judge assigned  
17 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
18 recommendation must file a written objection supported by points and authorities within fourteen  
19 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
20 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
21 F.2d 1153, 1157 (9th Cir. 1991).